

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ERNEST DORSTON, *Prose Doj Victim,*

2:07-CV-1121- JCM (RJJ)

Plaintiff,

Date: N/A
Time: N/A

V.

USDC JUDGE,

Defendant.

ORDER

16 Presently before the court is defendant's motion to dismiss (Doc. # 4), filed on October 12,
17 2007. Plaintiff filed a response (Doc. # 7) on November 13, 2007. Defendant filed a reply (Doc. #
18 6) on November 15, 2007.

19 On August 21, 2007, plaintiff filed a complaint, titled as a “motion for assistance of public
20 interest.” (See Doc. # 1). Plaintiff filed an addendum to his complaint on August 29, 2007.

21 Fed. R. Civ. P. 8(a) requires that a pleading contain “a short and plain statement of the claim
22 showing that the pleader is entitled to relief.” Although there is an obligation for courts to construe
23 pro se pleadings liberally and to afford pro se plaintiffs the benefit of any doubt, “[p]ro se litigants
24 must follow the same rules of procedure that govern other litigants.” *King v. Atiyeh*, 814 F.2d 565,
25 567 (9th Cir. 1987).

26 Plaintiff's complaint fails to allege a cognizable legal theory or sufficient facts to support the
27 same. The court concludes that plaintiff's claims are frivolous, as they are based on fanciful factual

1 allegations that appear to be delusional. These claims will be dismissed with prejudice and without
2 leave to amend. *See Neitzke v. Williams*, 490 U.S. 319, 327–28 (1989); *McKeever v. Block*, 932 F.2d
3 795, 798 (9th Cir. 1991). Accordingly,

4 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED pursuant to Fed. R. Civ. P.
5 12(b)(6) that defendant's motion to dismiss (Doc. # 4) be, and the same hereby is, GRANTED.

6 DATED this 20th day of November, 2007.

7 
8 James C. Mahan
9 UNITED STATES DISTRICT JUDGE

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